

10. JAMES F. AND LEATHA GRAFF PRESTWICH

The issue presented by this protest is whether water rights to Kanarra Creek should be the subject matter of this proceedings. Protestant claims that Kanarra Creek is tributary to Cedar City Valley, and therefore, should be a part of this general adjudication proceedings. Protestant is the owner of wells which would be benefited by the high water from Kanarra Creek recharging the underground. It is the contention of the State Engineer that since the rights to Kanarra Creek have already been adjudicated in the "Virgin River Decree" that he could not incorporate these rights into this proceedings, that it would be improper to adjudicate this question without all users who claim an interest in Kanarra Creek before the court.

11. THOMAS D., KENYON D., AND LEON D. ROBINSON

Protestants assert that they have established a valid irrigation right for 5.6 acres of land under Water User's Claim Nos. 2145, 2146, 2147, and 2148. It is the contention of the State Engineer that the land in question receives water by reason of natural sub-irrigation and that protestant has never diverted or otherwise placed any water to beneficial use on this property, and to award the protestant a water right would be to recognize the doctrine of riparian water rights which has been expressly rejected by the Utah Supreme Court.

12. UNITED STATES OF AMERICA

a. Protestant has submitted 17 additional water user's claims for stockwatering purposes which have been numbered from 2153 thru 2169, inclusive and the State Engineer has no objection to said claims being allowed for this purpose. Therefore said claims are accepted for stockwatering purposes as described in said claims.

b. The United States of America asserts that it has a valid water right by virtue of the withdrawal and reservation of certain lands in this area which the State Engineer has not included in the revised determination. The State Engineer denies that such a right exists but the parties agree to